

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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IN RE VASO ACTIVE PHARMACEUTICALS  
SECURITIES LITIGATION

: Consolidated Case No.: 04-10708  
(RCL)

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**DECLARATION OF NANCY F. GANS IN SUPPORT OF THE MOTION OF THE  
MERTURI GROUP FOR CONSOLIDATION, APPOINTMENT OF LEAD PLAINTIFF,  
AND APPROVAL OF THE MERTURI GROUP'S SELECTION OF LEAD COUNSEL  
AND LIAISON COUNSEL**

I, Nancy Freeman Gans, under penalties of perjury, hereby declare:

1. I am a member of the law firm of Moulton & Gans, P.C. ("Moulton & Gans"). I submit this declaration in support of the motion of the Merturi Group for Consolidation, Appointment As Lead Plaintiff, And Approval Of Lead Plaintiff's Selection Of Lead Counsel and Liaison Counsel.

2. Attached hereto as Exhibit A is a true and correct copy of the first published PSLRA notice which plaintiff in the action *Smith v. Vaso Active Pharmaceuticals, Inc.*, No. 1:04-CV-10708 (D. Mass. filed on April 8, 2004) caused to be published on *Business Wire* on April 8, 2004.

3. Attached hereto as Exhibit B are a true and accurate copy of the certifications of Luz Merturi, Brenda Reinemund on behalf of Glen Reinemund, Derek Bauer, Maria Pia Hellrigl, and Hector Tarazona (collectively, the "Merturi Group").

4. Attached hereto as Exhibit C is a chart analyzing Merturi Group's financial interest in this action.

5. Attached hereto as Exhibit D is the firm resume of Milberg Weiss.

6. Attached hereto as Exhibit E is the firm resume of Moulton & Gans, P.C.

Dated: June 7, 2004  
Boston, Massachusetts

/s/ Nancy Freeman Gans  
Nancy Freeman Gans

**CERTIFICATE OF SERVICE**

I, Sharon M. Lee, hereby certify that a true copy of the above document was served upon the attorney of record for each party by mailing a copy of same, postage prepaid, on June 7, 2004.

/s/ Sharon M. Lee  
Sharon M. Lee